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09 APR 2007

Michael M. Rickin
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In re Application of	:	
FINK	:	DECISION ON PETITION
U.S. Application No.: 10/578,277	:	
PCT No.: PCT/EP04/12508	:	UNDER 37 CFR 1.181
Int. Filing Date: 05 November 2004	:	
Priority Date: 07 November 2003	:	
Atty Docket No.: 03-H26US	:	
For: MEDIUM-VOLTAGE SWITCHGEAR	:	

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 30 March 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 05 November 2004, applicant filed international application PCT/EP04/12508, which claimed priority of an earlier application filed 07 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 May 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 07 May 2006.

On 05 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an English translation of the international application as filed.

On 08 March 2007, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that the above-identified application was abandoned as to the United States for failure to provide a copy of the international application by 30 months.

On 30 March 2007, applicant filed the present petition to withdraw the holding of abandonment.

DISCUSSION

Applicant has presently provided a copy of Form PCT/IB/308 dated 09 March 2006 indicating that the International Bureau communicated a copy of the international application to the United States on that date and that the notice "acts as conclusive evidence that the communication of the international application has duly taken place...and no copy of the international application is required to be furnished by the applicant." As applicant has provided proof that a copy of the international application was transmitted to the United States in its capacity as a designated office, it is proper to grant applicant's petition at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/909 mailed 08 March 2007 are hereby **VACATED**.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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